

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 1 2003

OFFICE OF  
MANAGING DIRECTOR

Paul H. Brown, Esq.  
Wood, Maines & Brown, Chtd.  
1827 Jefferson Place, N.W.  
Washington, D.C. 20036

Re: Alpha & Omega Communications, LLC  
Request for Waiver of FY 2003 Regulatory Fees  
Fee Control No. 00000RROG-04-005

Dear Mr. Brown:

This is in response to your request dated September 25, 2003, filed on behalf of Alpha & Omega Communications, LLC (Alpha), for a waiver of the fiscal year (FY) 2003 regulatory fees for Station KTMW, Salt Lake City, Utah, Class A television station KCLP-CA, Boise, Idaho, and television translators K49GD, Spanish Fork, K55IT, Provo, and K59GS, Salt Lake City, (all Utah), on the basis of financial hardship. Our records reflect that you have not paid the regulatory fees at issue.

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995). In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation or similar items are considered funds available to pay the fees.

You submit a copy of Alpha's unaudited "Statement of Revenues and Expenditures" for the eleven months ending August 31, 2003. In a subsequent communication, you state that the "Wages" line item on the financial statement reflects a payment to one of Alpha's owners and that the balance reflects wages paid to employees who are not owners, principals, or officers of Alpha. Alpha's "Statement of Revenues and Expenditures" indicates that Alpha suffered a financial loss in the eleven month period ending August 31, 2003, which was only partially offset by depreciation and wages paid to an officer of Alpha. Given that Alpha suffered a financial loss in the eleven months ending August 31, 2003, we grant your request for a waiver of the regulatory fees for FY 2003.

You have also requested confidential treatment of the material that you submitted with your request for fee relief. Pursuant to section 0.459(d)(1) of the Commission's rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated confidentially in the meantime. If a request for access to the information submitted in conjunction with your application fees is received, you will be notified and afforded the opportunity to respond at that time.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a stylized flourish at the end.

Mark A. Reger  
Chief Financial Officer